

EXHIBIT 7

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE COLLEGE ATHLETE NIL
LITIGATION

Case No. 4:20-cv-03919-CW

**DECLARATION OF LILLY
STONECIPHER IN SUPPORT OF JOINT
ADMINISTRATIVE OMNIBUS MOTION
TO SEAL**

1 I, Lilly Stonecipher, declare as follows:

2 I am the Records Manager at Utah State University (USU). USU is a member of the
3 Mountain West Conference, which is a defendant in this action. I make this Declaration based on
4 my personal knowledge and investigation, and if called as a witness to testify, I could and would
5 testify competently to the following facts.

6 1. This Declaration is being made in support of the Joint Administration Omnibus
7 Motion to Seal (“Motion”), and pursuant to Civil Local Rules 7-11 and 79-5.

8 2. USU moves to maintain the confidentiality of certain portions of document filed
9 under seal by the Parties that reflect USU’s highly sensitive, non-public, current financial
10 information and contain or reflect confidential personal information of individual student-athletes.
11 Specifically, USU requests that certain portions of the Kilaru Declaration Ex. 1, Expert Report of
12 Catherine Tucker, as described below and as identified in the Proposed Order Regarding Joint
13 Administrative Omnibus Motion to Seal (“Proposed Order”) as entry number ECF No. 251-1, be
14 maintained under seal.

15 3. A party seeking to file a document under seal must “establish that a document, or
16 portions thereof, are sealable.” Civil L.R. 79-5(b). In connection with a dispositive motion, a
17 designating party must demonstrate that “compelling reasons” exist to protect the information from
18 being disclosed. *Kamakana v. City & County of Honolulu*, 447 F. 3d 1172, 1178-79 (9th Cir.
19 2006). Redactions, instead of complete removal, can be used to place “limited and clear” portions
20 of information outside the public record. *Id.* at 1183.

21 4. USU can demonstrate that compelling reasons exist to maintain the following
22 narrowly tailored redactions under seal.

23 **CONFIDENTIAL STUDENT INFORMATION**

24 5. USU subpoena productions contains and reflects confidential personal information
25 of USU student-athletes. USU is required to keep confidential student personal information, and
26 such information may not be disclosed to the public without first obtaining a release from the
27 student or parent, as FERPA (Family Educational Rights and Privacy Act, 20 U.S.C. 1232g)
28 requires. *See Rosenfeld v. Montgomery Cnty. Pub. Sch.*, 25 F. App’x 123, 132 (4th Cir. 2001)

1 (“[T]he district court should consider FERPA in making its determination whether sealing of the
2 documents in question is appropriate.”).

3 6. Therefore, USU supports the Parties’ Motion to redact those portions of Kilaru
4 Decl. Ex. 1, Expert Report of Catherine Tucker, which contain the personal information of
5 individual USU student-athletes, as identified below and in the Proposed Order:

6 Document	Entry Number	Text to be Sealed
7 Kilaru Decl. Ex. 1, 8 Expert Report of Catherine Tucker	ECF No. 251-1	p. . 226 ¶ 264 (c)
9 Kilaru Decl. Ex. 1, 10 Expert Report of Catherine Tucker	ECF No. 251-1	p. 226 n.600

11 7. The limited redactions proposed above are narrowly tailored, and seek to seal only
12 individual USU student-athletes’ confidential information, the public disclosure of which would
13 harm such third-party individuals. Disclosing these redacted portions publicly is also unnecessary
14 in this litigation, as these student-athletes’ specific identities are irrelevant to Plaintiffs’ arguments
15 in support of class certification.

16 8. For the foregoing reasons, USU respectfully submits that compelling reasons exist
17 to seal the information as identified above and in the Proposed Order.

18 I declare under penalty of perjury under the laws of the United States of America that the
19 foregoing is true and correct.

20 Executed on September 29, 2023, in Logan, Utah.

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Lilly Stonecipher